



UNITED STATES
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
ERDA MANUAL

IMMEDIATE ACTION DIRECTIVE

ERDA IAD NO.: 2105-1

May 18, 1976

SUBJECT: CONTROLS ON DISSEMINATION OF FOREIGN INTELLIGENCE

Executive Order 11905, "United States Foreign Intelligence Activities," of February 18, 1976, charges the Administrator of ERDA to protect intelligence and intelligence sources and methods within ERDA consistent with policies and guidance of the Director of Central Intelligence. The Executive Order specifies that its provisions shall be implemented within 90 days of its effective date. This Immediate Action Directive revises and augments the provisions of ERDAM 2101 and its Appendix, "Control of Classified Information," of ERDAM 2105 and its Appendix, "Control of Classified Documents," and of ERDAM 2401 and its Appendix, "Physical Protection of Classified Matter and Information," as required for compliance with the Executive Order.

This Directive implements Executive Order 11652, "Classification and Declassification of National Security Information and Material" and the May 17, 1972, issuance, "National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information" authorizing the use of special controls on classified information relating to intelligence sources and methods. It is also consistent with Director of Central Intelligence Directive No. 1/7, "Control of Dissemination of Foreign Intelligence," of October 5, 1975, which prescribes specific control markings. The provisions of this directive apply to the dissemination of foreign intelligence in any manner - visual or oral.

I. DEFINITIONS

DOE review

1. Foreign Intelligence

For the purposes of this directive, foreign intelligence is a unique class of National Security Information consisting of:

- a. non-publicly available information on the capabilities, intentions, and activities of foreign powers, organizations, and their agents and the evaluation and analysis of that information.
- b. related material which includes: information describing or revealing U. S. foreign intelligence sources and methods; equipment and methodology unique to the acquisition or exploitation of foreign intelligence; foreign material (including

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military hardware) obtained for foreign intelligence exploitation; photography, recordings, computer, and ADP materials, etc., resulting from U. S. foreign intelligence collection efforts; and such other information and materials as the Director of Central Intelligence may so designate pursuant to the authorities vested in him.

2. Sensitive Compartmented Information (SCI)

Sensitive Compartmented Information includes that foreign intelligence bearing special Intelligence Community controls indicating restricted handling within present and future community intelligence collection programs and their end products for which community systems of compartmentation have been or will be formally established.

II. RESPONSIBILITIES AND AUTHORITIES

Responsibilities and authorities for the safeguarding of classified foreign intelligence information are as follows:

1. The Director, Division of Safeguards and Security:

- a. develops, establishes, and reviews the application of policies, standards and procedures, in collaboration with the Division of International Security Affairs, to assure the proper handling, safeguarding, and accounting of foreign intelligence with the exception of SCI.
- b. reviews personnel security records and files in compliance with Intelligence Community directives on the granting of foreign intelligence accesses.
- c. provides advice and assistance regarding the provisions of this Immediate Action Directive.
- d. provides indoctrination for Headquarters employees in security measures applicable to foreign intelligence with the exception of SCI.

2. The Director, Division of International Security Affairs:

- a. collaborates with the Division of Safeguards and Security, in the development and establishment of policies, standards, and procedures to assure the proper handling, safeguarding, and accounting of foreign intelligence.

- b. develops, establishes, and executes policies, standards, and procedures to assure the proper handling, safeguarding, and accounting of SCI.
 - c. provides indoctrination to Headquarters employees in security measures applicable to SCI.
 - d. authorizes named ERDA and ERDA contractor employees and consultants to ERDA to have access to foreign intelligence or SCI.
 - e. authorizes ERDA Field Office and contractor personnel, designated in a written request, to conduct indoctrination of ERDA Field Office or contractor employees in safeguards applicable to SCI and briefs such personnel accordingly.
 - f. authorizes the dissemination of foreign intelligence or SCI to named ERDA and ERDA contractor employees and consultants to ERDA, employees of other government agencies, their contractors and subcontractors, and members of the Armed Forces.
 - g. authorizes the transmission of foreign intelligence documents or material to named ERDA and ERDA contractor employees and consultants to ERDA, employees of other government agencies, their contractors and subcontractors, and members of the Armed Forces.
 - h. authorizes release of information originated by ERDA regarding foreign intelligence to foreign governments or international organizations and assures that foreign release is made through established foreign disclosure channels and procedures. (See III., 2.g. below. There are special channels for release of Restricted Data and Formerly Restricted Data contained in foreign intelligence.)
 - i. approves requests for named ERDA or ERDA contractor employees or consultants to ERDA to obtain foreign intelligence or SCI, in oral or documentary form, or in the form of material from other ERDA or ERDA contractor employees or consultants to ERDA, and from other government agencies.
 - j. designates channels within ERDA and its contractors to receive foreign intelligence or SCI.
3. Managers of Field Offices:
- a. provide indoctrination in security measures applicable to foreign intelligence for ERDA and ERDA contractor employees.
 - b. request the Director, Division of International Security Affairs, to authorize named ERDA and ERDA contractor employees

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and consultants to ERDA to have access to foreign intelligence or SCI.

c. request the Director, Division of International Security Affairs, to:

- (1) authorize ERDA Field Office personnel, designated in a written request, to receive briefings on the procedures for and the conduct of indoctrination of ERDA Field Office employees in security measures applicable to SCI, and to conduct such indoctrination.
- (2) authorize foreign intelligence or SCI to be disseminated to named ERDA or ERDA contractor employees or consultants to ERDA, employees of other government agencies, their contractors or subcontractors, or members of the Armed Forces.
- (3) authorize the transmission of documents or material containing such data or information to named ERDA or ERDA contractor employees or consultants to ERDA, employees of other government agencies, their contractors or subcontractors.
- (4) approve requests for named ERDA or ERDA contractor employees or consultants to ERDA to obtain foreign intelligence or SCI in oral or documentary form or in the form of material, from other ERDA employees or contractors or consultants to ERDA or from other government agencies.
- (5) authorize the release of information originated by ERDA regarding foreign intelligence to foreign governments or international organizations and assure that foreign release is to be made through established foreign disclosure channels and procedures.

d. Request the Director, Division of International Security Affairs, to designate channels within ERDA to receive foreign intelligence or SCI.

4. Heads of Divisions or Offices, Headquarters, perform the functions set forth in paragraph 3., above, for employees under their jurisdiction, with the exception that indoctrination in applicable security measures shall be provided by the Director, Division of Safeguards and Security or the Director, Division of International Security Affairs, as prescribed in paragraphs 1 and 2, above.

III. PREPARATION OF CLASSIFIED DOCUMENTS

The appropriate marking(s) set forth below shall be individually assigned and shall be placed on the front cover and title page of each document containing foreign intelligence at the time of preparation. These markings shall be used in addition to the classification and extra markings required by Appendix 2105, Part II, and, unless otherwise indicated below, carried forward to any new format in which the information is incorporated, including visual presentations and specified in oral presentations. In the event that a document containing foreign intelligence or SCI includes Restricted Data, foreign intelligence or SCI controls shall be exercised in addition to prescribed Restricted Data controls.

1. "WARNING NOTICE - SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED"

This marking is required on all documents relating to sensitive intelligence sources and methods.

a. Consent of Originating Department

This marking indicates that documents on which it appears will not be disseminated outside authorized channels without the permission of the originating department.

b. Assessment

Additionally, prior to such action, the Director, Division of International Security Affairs, must agree with any dissemination on the basis of his assessment of potential risk to the national security and to the intelligence sources and methods involved.

c. Abbreviation - WNINTEL2. Additional Control Markings

Whenever the originating department or agency believes that extraordinary circumstances related to the intelligence source or methods require more specific dissemination restrictions, one or more of the following additional markings shall be used.

a. Type of Information Involved

These markings must only be used on documents when the disclosure of their contents could:

- (1) compromise the status of collaborating foreign governments or officials;

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- (2) otherwise seriously damage U.S. relations with foreign governments;
- (3) subject U.S. citizens or others to the possibility of personal danger or incarceration;
- (4) seriously impair the continuing cooperation of private individuals providing foreign intelligence;
- (5) seriously affect the continuing viability of vital technical collection programs; or
- (6) result in the possible compromise or loss of some unique foreign intelligence source or method.

b. "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR"

(1) When Used

This marking must be used when unique source sensitivity factors, known to the originator, require:

- (a) strict compliance with third agency rule* procedures, and
- (b) continuing knowledge and supervision on the part of the originator as to the extent to which the original document and the information which it contains are disseminated.

(2) Limitation to Headquarters

Documents and information subject to this marking will not be disseminated beyond the Headquarters elements of recipient organizations.

(3) Extracts and Incorporation into Other Documents

Information contained in documents bearing this marking must not be extracted and incorporated into other documents without the permission of and under conditions prescribed by the originator.

*Third agency rule provides that classified information or material originating in one Department or Agency shall not be disseminated outside any other Department or Agency to which it has been made available without the consent of the originating Department or Agency.

(4) Abbreviation - ORCON

c. "NFIB DEPARTMENTS ONLY"

(1) When Used

This marking is used to indicate a document or information will not be furnished to departments or agencies not represented on the National Foreign Intelligence Board without permission of the originating agency.

(2) Transmission Outside ERDA

Should dissemination of foreign intelligence bearing this marking be necessary outside of ERDA, the permission of the originating agency shall be requested through the Director, Division of International Security Affairs.

(3) Internal Dissemination

Within ERDA, dissemination shall be as determined by the Director, Division of International Security Affairs, and may include ERDA contractors or consultants unless specifically prohibited by the marking "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS." (See below.)

(4) Abbreviation - NFIB ONLY

d. "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS"

(1) When Used

This marking is used, as an example, on:

- (a) National Intelligence Estimates and similar national intelligence reports, and
- (b) other foreign intelligence which might seriously impair the continuing cooperation of contributing private individuals if furnished to consultants or contractors.

(2) Transmission to Contractors or Contractor/Consultants

Foreign intelligence bearing this marking shall not be forwarded to contractors or contractor consultants without the prior permission of the originating agency, which shall be requested through the Director, Division of International Security Affairs.

(3) Exceptions

For the purposes of this directive, designated components of those government-owned laboratories or facilities operated by a contractor as an extension of ERDA to perform classified services in support of the ERDA intelligence mission are not subject to the controls imposed by paragraph 2, subparagraphs c., d., and e. of this section. All other components of laboratories or facilities under contract to ERDA, whether government- or privately-owned, shall be considered CONTRACTORS OR CONTRACTOR/CONSULTANTS for the purposes and under the provisions of all sections of this directive where that term is employed.

Further, foreign intelligence may be furnished to ERDA consultants hired under Civil Service Commission procedures or comparable procedures derived from authorities vested in the Administrator by law, and who are normally considered an extension of the office by which they are employed. Such dissemination is subject to prior authorization by the Director, Division of International Security Affairs.

(4) Abbreviation - NOCONTRACT

1. "CAUTION - PROPRIETARY INFORMATION INVOLVED"

(1) When Used

This marking is used on foreign intelligence obtained from the U.S. private business sector and which may bear upon proprietary interests of the source or may otherwise be used to the detriment of the source.

(2) Obligation of Recipient

Recipients should make every effort to assure that reports bearing this marking or information derived from them is not used to the detriment of the source.

(3) This marking may be used together with the "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS" marking.

(4) Abbreviation - PROPIN

f. "NOT RELEASABLE TO FOREIGN NATIONALS"

(1) When Used

This marking may be used, as an example, for information the disclosure of which may lead to:

- (a) the possible compromise of the status of relations with collaborating foreign governments or officials; or
- (b) jeopardizing the continuing viability of vital technical collection programs.

(2) Consent of Originating Agency

Foreign intelligence bearing this marking may not be released in any form to foreign governments, foreign nationals, or non-U.S. citizens without the permission of the originating agency. This permission shall be requested through the Director, Division of International Security Affairs. (Restricted Data and Formerly Restricted Data contained in foreign intelligence are not releasable except through appropriate channels.)

(3) Abbreviation - NOFORN

g. "THIS INFORMATION HAS BEEN AUTHORIZED FOR RELEASE TO (specified country(ies))"

This is an optional marking which may be used when an originating agency predetermines that information can be released to specified foreign government(s).

3. Use Contrary to Markings

Consent must be obtained from the originating agency to use foreign intelligence in a manner contrary to the restrictions established by the control markings set forth above.

Consent, if granted, applies only to the specific purpose agreed to by the originator and does not automatically apply to all recipients of the information as originally disseminated unless the originating agency removes the control marking(s) for the benefit of the recipients.

When dissemination outside ERDA or an ERDA contractor organization is desired using lesser or no control markings, a sanitized version shall be prepared and submitted to the originator for consent to release.

4. Application of Markings

Control markings shall be placed in a conspicuous position on documents, appear in the text of messages and be associated with data stored or processed in automatic data processing systems.

If the control marking(s) applies to only a portion of a document, the appropriate marking abbreviation(s) shall, to the extent feasible, be applied to each portion to which it is applicable.

5. Prior Control Markings

Questions regarding any control markings, other than set forth above, used on documents containing foreign intelligence should be referred to the originating agency.

These markings are: "WARNING NOTICE - SENSITIVE SOURCES AND METHODS INVOLVED," "CONTROLLED DISSEM," "NSC PARTICIPATING AGENCIES ONLY," "INTEL COMPONENTS ONLY," "LIMITED," "CONTINUED CONTROL," "NO DISSEM ABROAD," "BACKGROUND USE ONLY," and "NO FOREIGN DISSEM."

IV. REPRODUCTION

1. Top Secret Documents

Top Secret documents containing foreign intelligence may be reproduced only with the consent of the originating office.

2. Secret and Confidential Documents

Secret and Confidential documents containing foreign intelligence may be reproduced sparingly on the basis of authority granted by DCID Number 1/7. Any stated prohibition against reproduction shall be strictly adhered to.

3. Documents Containing Restricted Data or Formerly Restricted Data

Foreign intelligence documents containing Restricted Data or Formerly Restricted Data may be reproduced only with the consent of the Director, Division of International Security Affairs.

V. RELEASE TO OTHER GOVERNMENT AGENCIES OR FOREIGN GOVERNMENTS

1. Original Form

Classified foreign intelligence documents may not be released in their original form to other government agencies or foreign governments without the consent of the originator. This permission will be obtained by the Director, Division of International Security Affairs.

2. Extracts or Paraphrases

a. Release to Other Government Agencies

Information contained in classified foreign intelligence documents of another department or agency may be extracted or paraphrased and used by the recipient NFIB agency in classified foreign intelligence reports and released to third agencies within the Executive Branch unless specifically restricted by control markings. "WARNING NOTICE - SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED" is not considered a restrictive marking.

b. Release to Foreign Governments

The principle stated in 2.a., above, applies, provided that:

- (1) no reference is made to the source documents upon which the released product is based.
- (2) the source and manner of acquisition of the information are not revealed.
- (3) foreign release is made only after the consent of the Director, Division of International Security Affairs, is obtained and through established foreign disclosure channels and procedures.

c. Knowledge of Restrictions

On any dissemination of foreign intelligence to departments and agencies not members of the National Foreign Intelligence Board, ERDA employees are responsible to assure that recipient departments and agencies understand and agree to observe the restrictions in regard to marking, releasability and reproduction prescribed in this issuance and maintain adequate safeguards.

d. Release to Foreign Nationals and Immigrant Aliens

Classified foreign intelligence documents, whether or not bearing a control marking, shall not be released to foreign nationals or immigrant aliens, including U.S. government employed, utilized or integrated foreign nationals and immigrant aliens, without the permission of the Director, Division of International Security Affairs, who shall obtain the prior consent of the originating agency.

VI. TRANSMISSION

1. Envelopes or Wrappers

Applicable foreign intelligence markings set forth above must be placed on the face of each inner envelope or wrapper at the time of transmission. (See Appendix 2105, Part II.C.3.) Inner envelopes or wrappers with such markings shall be opened only by personnel authorized access to that level and category of foreign intelligence.

2. Method of Transmission

a. Between Installations

Top Secret and SCI foreign intelligence shall be transmitted by appropriately cleared courier or by approved and/or encrypted telecommunications systems accredited for the electrical processing of SCI. Non-SCI Secret or Confidential foreign intelligence may be transmitted by "Q" cleared special messengers, by U.S. registered mail, or by approved and/or encrypted telecommunications systems in accordance with ERDA Manual Chapters 2105, 2401 and 2701.

b. Within Installations

Special messengers with a "Q" clearance or custodians of foreign intelligence may transport foreign intelligence documents or material within the same installation.

c. Abroad

Non-SCI Secret or Confidential foreign intelligence may be transmitted to U.S. Government, U.S. Armed Forces or ERDA contractor or consultant personnel in a foreign country through the State Department diplomatic pouch in accordance with ERDA Manual Appendix 2105 or by approved and/or encrypted telecommunications systems.

VII. STORAGE

1. Type of Repositories

Foreign intelligence shall be stored in repositories authorized by Appendix 2401, Part VI, for the storage of Top Secret or Secret matter. For the storage of SCI, regulations of the agency responsible for the information shall also be followed.

2. Access to Repositories

Access to the repositories used shall be limited to personnel authorized access to the category of foreign intelligence or SCI involved.

VIII. DESTRUCTION

Documents or material containing foreign intelligence or SCI must be destroyed only by persons authorized access to the same level of foreign intelligence information involved. Shredding and burning (with pulverization of the residue), macerating, or pulping may be used to destroy documents. The method used must assure the material cannot be reconstructed.

IX. ACCESS TO FOREIGN INTELLIGENCE

1. Indoctrination

Each individual to be granted access to foreign intelligence or Sensitive Compartmented Information (SCI) must be fully aware of the special security requirements involved. When a named individual has been authorized access to intelligence information by the Director, Division of International Security Affairs, that individual shall receive an indoctrination briefing and execute an Intelligence Non-disclosure Agreement (Statement) prior to access to foreign intelligence. At ERDA Headquarters the indoctrination and execution of the non-disclosure agreement shall be carried out by the Division of Safeguards and Security, except for SCI. The Division of International Security Affairs shall conduct such indoctrination and execution of non-disclosure agreements for SCI. Managers of Field Offices shall assume this responsibility for employees and contractor personnel under their jurisdiction.

2. Access Authorization and Clearances

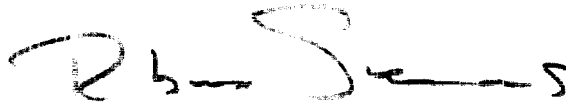
Access to foreign intelligence or SCI may be provided only to individuals identified to the Director, Division of International Security Affairs for such access by the Heads of Headquarters Divisions or Offices or by the Managers of Field Offices. The following conditions must be fulfilled:

- a. The individual must possess a "Q" clearance and be authorized access to the appropriate National Security Information level of classification.
- b. The individual must be designated for access to foreign intelligence or SCI, in writing, to the Director, Division of

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International Security Affairs, by the Head of a Headquarters Division or Office or by the Manager of a Field Office.

- c. The designating official must himself have at least the same level of security clearance as that for which authorization is being requested.
- d. The Director, Division of International Security Affairs, will confirm authorization for access to intelligence information.
- e. Before access is permitted, the person being authorized access must sign an agreement that he will not disclose that information to persons not authorized to receive it.
- f. The designating official will ensure that access to foreign intelligence is limited to those individuals who have been authorized such access and have a need to know the information therein in order to fulfill their mission.
- g. Requests for exceptions to the above (e.g., provision of access to officials possessing an "L" clearance) shall be reviewed by the Director, Division of International Security Affairs, on a case-by-case basis if "need-to-know" is established. In no case, however, shall SCI be made available to anyone not cleared for Top Secret access.
- h. Conditions cited in a. through g., above, will apply also to clearance for access to SCI. However, execution of the Intelligence Nondisclosure Statement does not preclude the requirement for additional oaths prior to access to SCI. Such additional oaths for SCI access shall be administered by the Director, Division of International Security Affairs, or by individuals he designates.



Robert C. Seamans, Jr.
Administrator

INTELLIGENCE NONDISCLOSURE AGREEMENT

Pursuant to Section 7 (a) of Executive Order 11905, I have been informed of the provisions contained in the Executive Order, including its restrictions, and the appropriate provisions of the National Security Act of 1947 concerning the need to protect intelligence sources and methods from unauthorized disclosure. I have also read and understand the ERDA regulations contained in ERDAMs 2101, 2105, and 2401 of the ERDA Manual dealing with the security measures applicable to foreign intelligence.

As a condition of being granted continuing access to information containing sources or methods of intelligence, I understand my obligation to reveal foreign intelligence only to those ERDA or ERDA contractor employees or consultants, employees or employees of contractors of other Government agencies, or members of the Armed Forces, who have been authorized access to foreign intelligence by duly authorized officials within the United States Intelligence Community. These employees must require the knowledge of this information in the course of the performance of their duties. Prior to any release, it is my obligation to know that the recipients are aware of how to safeguard the information and have the means for safeguarding it.

I understand that materials involving information containing sources or methods of intelligence bear the marking "WARNING NOTICE - SENSITIVE SOURCES AND METHODS INVOLVED" (WNINTEL) which means that such material or information falls within the purview of this agreement.

I am aware that any unauthorized disclosure to persons of information concerning sources or methods of intelligence could subject me to disciplinary action and appropriate legal action by the Attorney General.

I acknowledge my understanding that no change in my assignment, status or employment, including termination, will release me from the obligations and legal liabilities cited above.

I am aware of, and agree to comply with, the provisions of ERDAM 4124, "Conduct of Employees."

(Date)

(Signature of Witness)

(Signature of Employee)

(Title or Position)

(Title or Position)

(Organization)

(Organization)